

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, October 9, 2012**

**Members Present:** Philip Slocum, Chairman  
Vincent Gambardella, Vice Chairman  
Laura Pisaturo  
Cynthia Gerlach  
James Desmarais

**Members Absent:** Thomas Kiernan  
Steve Horowitz  
John Mulhearn  
Sue Stenhouse

**Also in attendance:** Patricia Reynolds, Business Development Planner  
Diana Pearson, Solicitor

Chairman Slocum called the meeting to order at 6:01 pm.

Chairman Slocum opened the meeting and announced that the October 9, 2012 Planning Board meeting would need to be continued do to a lack of an available quorum for the proposed applications. Mr. Gambardella made a motion to open the October 9, 2012 Planning Board Meeting and to continue the meeting to October 17, 2012, seconded by Ms. Gerlach. All voted in favor; none opposed.

**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, October 17, 2012**

**Members Present:** Philip Slocum, Chairman  
Vincent Gambardella, Vice Chairman  
Laura Pisaturo  
Cynthia Gerlach  
James Desmarais  
Thomas Kiernan

**Members Absent:** Steve Horowitz  
John Mulhearn  
Sue Stenhouse

**Also in attendance:** William DePasquale, Administrative Officer  
Eric Hindinger, Engineering Project Manager  
Lidia Cruz-Abreu, Planning Specialist  
Peter Rugeiro, Solicitor

Chairman Slocum called the meeting to order at 6:15 pm

The September 2012 meeting minutes were presented for review and approval. A motion was made by Mr. Kiernan, seconded by Mr. Gambardella to approve the September meeting minutes, as presented. All voted in favor; none opposed.

Mr. Kiernan made a motion to change the order of business, seconded by Mr. Gambardella.

### **Bond Release**

110 Access Road  
New England Institute of Technology

Current Bond Total	\$20,052.03
Amount to be Released	<u>\$20,052.03</u>
Retain	\$ 0.00

Mr. Phil Parsons, General Council, New England Institute of Technology was available to answer questions regarding the bond release. Being no questions, Mr. DePasquale recommended favorable action for the bond release indicating the Applicant had met all the requirements for a full release.

Ms. Gerlach made a motion for full release of the 110 Access Road, New England Institute of Technology Bond, seconded by Mr. Desmarais. All in favor; none opposed.

Ms. Pisaturo arrived and was present for the following petition.

### **Public Meeting** **Replat of the Rathbun Plat**

Location:	Old Forge Road and Potowomut Road
Applicant(s):	Stephen Miller
Assessor's Plat:	210; Assessor's Lot: 163
Zoning District:	A-7-Residential
Land Area:	37,673 square feet
Surveyor:	Ocean State Planners, Inc.
Ward:	9

Mr. David Duranleau, Ocean State Planners, Inc., represented the Applicant, Mr. Stephen Miller, who was requesting Preliminary Approval of a Minor Subdivision to subdivide one (1) lot to create four (4) new conforming, single family lots for development in an A-7 Residential Zoning District.

Mr. Duranleau explained that the Applicant had approximately 37,000 square feet that the Applicant wanted to subdivide into four conforming lots. He also informed the Board that the project had received Rhode Island Department of Environmental Management (RIDEM) Onsite

Wastewater Treatment System (OWTS) approval and that Mr. Miller was in agreement with the Planning Department's recommended stipulations.

Being no questions or testimony, Mr. Slocum asked to have the Planning Department findings and recommendations read into the record.

### **Planning Department Findings**

The Planning Department finds this proposal to be generally consistent with Article1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the subject property is located along Old Forge Road & Potowomut Road and is identified as Assessor's Plat: 210; Assessor's Lot: 163.
2. That the subject property is the residual land from a subdivision in April 2011, in which three (3) conforming lot were created; one (1) conforming lot with an existing single family dwelling; and two (2) new conforming single family lots for development.
3. That the subject property consists of one (1) tax assessor's lot totaling 37,673 square feet and is currently zoned ResidentialA-7.
4. That the Residential A-7 Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
5. That the Applicant proposes to create four (4) new conforming single family lots for development in an A-7 Residential Zoning District.
6. That all lots, as proposed, will conform to the requirements of the Residential A-7 Zoning District.
7. That the Applicant has received RIDEM-OWTS Approval No. 1235-0493 for record lot 1; Approval No. 1235-0927 for record lot 2; Approval No. 1235-0926 for record lot 3 and Approval No. 1235-0928 for record lot 4.
8. That there are no wetlands located within 200-feet of the proposed project.
9. That the parcel is outside of the 100 year Flood Zone per FEMA Map Panel NO. 445090139G, December 3, 2010.
10. That the proposed development is generally consistent with the Comprehensive Community Plan.
11. That the proposed subdivision is in compliance with the provisions of the City's Zoning Ordinance.

12. That there will be no significant negative environmental impact from the proposed development.
13. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
14. That the property will have access to public water.
15. That the proposed development possesses adequate access to a public street.

### **Planning Department Recommendation**

The Planning Department's recommendation is to grant Preliminary Approval, with Final to be by the Administrative Officer, with the following stipulations:

1. That the Final Record Plat and the Final Development Plan shall show a North Arrow, as required per *Development Review Regulation, Appendix B, Checklist Item #3*.
2. That the Final Record Plat and the Final Development Plan shall show Deed Book and Page References, as required per *Development Review Regulation, Appendix B, Checklist Item #6*.
3. That the Final Record Plat and the Final Development Plan shall show all geometry, including, but not limited to, lot areas, distances, and interior angles, as per *Development Review Regulations, Appendix B, Checklist Item #'s 10 and 22*.
4. That the Final Record Plat and the Final Development Plan shall show all location and dimensions of all existing and proposed utilities within and immediately adjacent to the subdivision, as per *Development Review Regulations, Appendix B, Checklist Item # 16*.
5. That the Surveyor shall install one (1) granite bound per lot, at a corner, and iron rods at the remaining corners, prior to Final Approval, or provide a Performance Bond for the installation, as per *Development Review Regulations, Appendix B, Checklist Item # 29*.
6. That the Applicant shall receive all necessary State and Local permits, prior to Final Approval, as per, *Development Review Regulations, Appendix B, Checklist Item #33*.
7. That trees located within the State highway line shall be protected with continuous dripline tree, prior to the commencement of construction.
8. That the one (1) mature Norway Spruce located in the southeastern portion of Record Lot 2, as shown on the Ocean State Planners, Inc. plan dated September 17, 2012, shall be preserved and protected with dripline tree preservation, prior to construction.

9. That the two (2) mature Norway Maples located along the Southwestern line of Record Lot 4, as shown on the Ocean State Planners, Inc. plan dated September 17, 2012, shall be preserved and protected with dripline tree preservation, prior to construction.
10. That the Applicant shall plant one (1) 2-2.5 caliper shade tree on each of the four Record Lots, as shown on the Ocean State Planners, Inc., plan dated September 17, 2012. The Applicant shall consult with the City's Landscape Project Coordinator regarding specific location and species.

Mr. Gambardella made a motion to formally adopt the Planning Department's Findings and to grant Preliminary Approval, with Final Approval to be granted through the Administrative Officer, with the Planning Department's recommended stipulations, seconded by Mr. Desmarais and Mr. Kiernan. All in favor; none opposed.

Mr. Slocum informed the Board that he had a conflict with the following application and therefore would recuse himself, passing the meeting to Mr. Gambardella.

**Public Hearing**  
**BAR RI, LLC Post Road**

Applicants:	Balise Motor Sales, Madelyn M. Dee (Trustee), Angeline M. Kiernan (Trustee), Elena M. Rocchio (Trustee)
Location:	1300, 1338, 1354, 1356 and 1400 Post Road
Assessor's Plat:	309; Lots: 39, 41, 47, 48, 49, 50 and 247
Zoning District:	General Business, Light Industrial
Proposed Zone:	General Business, with variances
Land Area:	10.6 acres
Number of Lots:	7
Proposed No of Lots:	4
Engineer:	Fuss & O'Neill
Ward:	3

Mr. K. Joseph Shekarchi, ESQ, represented the Applicant which was requesting Preliminary approval of a Major Land Development Project/Subdivision. The proposal was to merge four (4) lots to create one (1) lot, demolish four (4) existing structures in order to construct two (2) new buildings to be used for vehicle sales and service, with associated outdoor vehicle display areas. The proposed buildings will have footprints of approximately 21,600 square feet and 23,000 square feet. As a result of construction, there will be a decrease in impervious area of approximately 35,760 square feet.

Mr. Shekarchi explained that the Applicant had received Master Plan approval and a Zone Change from the City Council for the project which will make the facility "State of the Art" comparable to the Toyota dealership owned by the same company.

Mr. Shekarchi indicated that due to the lack of a quorum the Board had not met the previous week but that there may have been some questions from an abutter that would be addressed, by

Mr. Shawn Martin. Mr. Shekarchi asked that a letter from Senator Walaska be submitted in support of the project. The letter was accepted by the Planning Staff and marked Exhibit A.

Mr. Shekarchi then introduced Mr. Shawn Martin, Fuss and O'Neil, to address the following neighbor concerns:

**Vehicular Access to and from Ethan Street:** Mr. Martin explained that the only vehicular access would be to the Historic Cemetery.

**Stormwater Management:** Mr. Martin explained that the improvements to the site should mitigate some of the current run-off onto Ethan Street and that the final net run-off would be less than the current net run-off.

**Landscape and Buffer:** Mr. Martin explained that the Applicant intended to continue the stockade fence and provide more landscaping to enhance the streetscape and beautify the existing parking lot.

**Hours of Delivery:** Balise will have after hour deliveries moved to the Toyota Facility to address any nuisance concerns. Mr. Shekarchi explained that Mr. Balise is committed to working with the neighbors and will have all off hour deliveries made to the Toyota Facility which is further from the neighbors and will during the daytime hours move the deliveries to the Toyota or Chevrolet facility.

Ms. Gerlach asked if the lighting was photometric and Mr. Martin responded that photometric lighting was going to be used.

Ms. Pisaturo made a motion to open the Public Hearing, seconded, by Mr. Kiernan.

Mr. DePasquale read an email correspondence from Ms. Gibler 54 Ethan Street into the record, as Exhibit B.

Being no public testimony, Ms. Pisaturo made a motion to close the public hearing, seconded by Ms. Gerlach.

Ms. Pisaturo asked if Balise Motors was in Senator Walaska's district and Mr. Shekarchi explained that it was not but that Senator Walaska was in the auto parts industry.

Being no questions or testimony, Mr. Gambardella asked to have the Planning Department findings and recommendation read into the record.

## **Planning Department Findings**

The Planning Department finds this proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the subject property is located on the easterly side of Post Road and the southerly side of Ethan Street, and is identified as Assessor's Plat: 309; Assessor's Lots: 39, 41, 47,48, 49, 50 and 247 and consists of approximately 10.6 acres.
2. That the four (4) lots proposed to be merged (AP 309, AL's 39, 47, 48, and 49) are leased by the applicant, Balise Motor Sales, and owned jointly by Madelyn M. Dee (Trustee), Angelina M. Kiernan (Trustee), and Elena M. Rocchio (Trustee).
3. That Balise Motor Sales owns abutting parcel (AP 309, AL 062), which is zoned General Business and authorized for vehicle sales, service, and outdoor vehicle display by City Council Zone change PCO-18-08.
4. That the project received Master Plan approval from the Warwick Planning Board at a Public Information Meeting held on May 9, 2012, for which notice was served and a record kept.
5. That the proposed project will result in a similar total building footprint, with 45,457 square feet of building to be demolished and approximately 44,600 square feet to be constructed.
6. That the proposed project will result in a reduction in the amount of impervious pavement on the site.
7. That the subject property is currently being used for vehicle sales, service, and associated outdoor vehicle display.
8. That the properties 200' north and south of the subject parcel, and fronting on Post Road are general business uses.
9. That Historic Cemetery #10, the Vincent Gardiner Lot, is located within the project area. (Vincent Gardiner died in 1897 and was a veteran of the Civil War.)
10. That the eastern edge of the property is within the 50' wetlands setback, with no construction proposed within this buffer area. That the applicant has received a Rhode Island Department of Environmental Management (DEM) Insignificant Alteration Permit No. 12-0121 indicating no significant negative environmental impacts from the proposed development.
11. That the applicant has received a Rhode Island Department of Transportation (DOT) Physical Alteration Permit (PAP) #120621, to utilize an existing 30 foot wide curb cut for ingress/egress and eliminate four (4) existing curb cuts with the installation of granite curb and concrete sidewalk.

12. That the project has a landscape plan, drawn and stamped by a Rhode Island licensed Landscape Architect and approved by the Warwick Landscape Project Coordinator.
13. That the proposed development is generally consistent with the Comprehensive Community Plan.
14. In compliance with the standards and provisions of the City's Zoning Ordinance, having received approval for City Council zone change PCO-7-12 from General Business and Light Industrial, to General Business with relief for location and size of parking spaces, parking spaces less than five (5) feet from building, less than required loading spaces, less than required landscape and signage larger than allowed.
15. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
16. That the proposed development possesses adequate access to a public street.
17. That the property has access to public sewer and water.

### **Planning Department Recommendation**

Planning Department recommendation is to grant Preliminary approval, with Final Approval to be granted through the Administrative Officer, with the following stipulations:

1. That the project shall maintain a 25' landscape buffer around the historic cemetery, as per state law and this buffer shall not be used for vehicle parking or storage. The applicant shall record an access easement to the historic cemetery.
2. That the applicant shall coordinate any proposed work on the waterline with the Warwick Water Division.
3. That the applicant shall submit new flows generated and an Inflow and Infiltration (I&I) fee to the Warwick Sewer Authority (WSA), prior to obtaining a building permit.
4. All landscaping must be maintained in healthy condition for the life of the project, as per Warwick Zoning Ordinance, 505.7(B) *Maintenance of Landscaped Areas*.
5. That the Surveyor shall submit a Bound Certification.

Ms. Pisaturo made a motion to formally adopt the Planning Department's Findings and to grant Preliminary Approval, with Final Approval to be granted through the Administrative Officer, with the Planning Department's recommended stipulations, seconded by Mr. Desmarais. All in favor; none opposed.

Being no further conflict, Mr. Slocum returned to the to the Planning Board table.

Mr. Desmarais made a motion for forward a favorable recommendation to the City Council for an amendment to the City's Zoning Ordinance, seconded by Mr. Gerlach. All in favor; none opposed.

A list of approved and recorded Administrative Subdivisions was presented to the Board for informational purposes.

At Ms. Pisaturo's request, Ms. Gerlach made a motion, seconded by Mr. Desmarais to reconsider the September 2012 Minutes. Ms. Pisaturo asked to have *pg. 3, paragraph 3, amended to add the following sentence: "The attorney represented that the concerns raised by the neighbors were addressed."* Ms. Gerlach made a motion to accept the September 2012 Planning Board minutes, as amended, seconded by Mr. Gambardella. All in favor; none opposed.

On a motion by Ms. Stenhouse, seconded by Ms. Pisaturo, the meeting was adjourned at 6:45 pm.